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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,618	04/16/2004	Jian Cao	P-21057.00	1313
27581 MEDTRONIC,	7590 04/03/200 INC.	9	EXAMINER	
710 MEDTRON	NIC PARKWAY NE		KAHELIN, MICHAEL WILLIAM	
MINNEAPOLIS, MN 55432-9924			ART UNIT	PAPER NUMBER
			3762	
			MAIL DATE	DELIVERY MODE
			04/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/826,618	CAO ET AL.	
Examiner	Art Unit	

2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). ***MENDMENTS*** 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They arise the issue of new matter (see NOTE below); (c) ☐ They arise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: **See Continuation Sheet** (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Applicant's reply has overcome the following rejection(s): 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and in explanation of how the new or amended claims would be rejected is provided below or appended. 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered or filing a Notice of App		MICHAEL KAHELIN	3/62	
No The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.131, or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires — months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the stautory period for reply expire after than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 15 is checked, check either box (a) or (5) ONIX CHECK BXX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee made to the file of the purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee made 37 CFR 1.179(a) is calculated from: (1) the expiration date of the schrede statutory period for reply darially set in the final Office action, or 2 jas may reduce any examed patent term adjustment. See 37 CFR 1.704(b). Control or Appeal was filed on	THE REPLY FILED 26 March 2009 FAILS TO PLACE THIS AP	PLICATION IN CONDITION FOR	ALLOWANCE.	
the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, no revent, however, with the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFTHE FINAL REJECTION. See WFEP 766 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee ander 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply recovered by the Office later than three months after the maling date of the final folice action; or (2) as set forth in (b) above, if checked. Any reply recovered by the Office later than three months after the maling date of the final folice action; or (2) as set forth in (b) above, if checked. Any reply recovered by the Office later than three months after the maling date of the final rejection, or (2) as set forth in (b) and the propriate extension fee and the propriate extensio	application, applicant must timely file one of the following r application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1.6 shocked, check oither box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WHEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.173(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL. 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection's): NOTE: See Continuation Sheet. (See 37 CFR 1.116(e). 7. For	a) The period for reply expiresmonths from the mailing	date of the final rejection.		
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Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee naive 37 CFR 1.17(a) is calculated from: (1) the expiration date of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final final office action; or (2) as set forth in 37 cFR 41.37 must be filled within two months of the date of filing the Notice of Appeal as been filled, any reply must be filed within the time period set forth in 37 CFR 41.37(a). **MENDMENTS** **MENDMEN			FIRST REPLY WAS FIL	ED WITHIN TWO
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12. Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13. Other: /Angela D Sykes/ /Michael Kahelin/		be entered because they require fu	irther search and cons	sideration .
/Angela D Sykes/ /Michael Kahelin/	-	-		
	13. Other:			
DUDGENISOLVE ALGIE LAAITIIIGE, ALL UHIL JUUL EVAMINAY AM INIT (167	/Angela D Sykes/ Supervisory Patent Examiner, Art Unit 3762	/Michael Kahelin/ Examiner, Art Unit 3762		
LAAIIIIIGI, AIT OIIII 3702	,,	Examiner, Art Offic 5702		

Continuation Sheet (PTOL-303)

Application No.

Continuation of 3. NOTE: The new limitations of "comparing...to obtaining a result" and "generating an updated template....based on the result" requires further search and consideration .